

## SENATE BILL NO. 207

INTRODUCED BY M. TROPILA

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CONTRACT OF EMPLOYMENT FOR A TEACHER OR SPECIALIST MUST CONTAIN A PROVISION ALLOWING THE TEACHER OR SPECIALIST TO RECEIVE THE TEACHER'S OR SPECIALIST'S SALARY IN EQUAL MONTHLY INSTALLMENTS OVER AN ENTIRE YEAR; AMENDING SECTION 20-4-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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**Section 1.** Section 20-4-201, MCA, is amended to read:

**"20-4-201. Employment of teachers and specialists by contract.** (1) The trustees of any a district have the authority to employ any a person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has been issued that qualifies the person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist must be employed under written contract, and each contract of employment must be authorized by a proper resolution of the trustees and must be executed in duplicate by the presiding officer of the trustees and the clerk of the district in the name of the district and by the teacher or specialist.

(2) (a) A contract of employment with a teacher or specialist may not require the teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. A deduction may not be made from a teacher's or specialist's salary by reason of the fact that a holiday falls on a school day. A teacher's or specialist's contract made in conflict with the 5-days-a-week provision of this section is not enforceable against the teacher or specialist.

(b) A contract of employment with a teacher or specialist must contain a provision allowing the teacher or specialist to receive the teacher's or specialist's salary in equal monthly installments over an entire year and may not require the teacher or specialist to receive a lump sum for the months that school is not in session.

(3) Whenever the boards of trustees of two or more school districts form a joint board of trustees under the provisions of 20-3-361 or when the boards of trustees of two or more school districts enter into an interlocal agreement pursuant to Title 7, chapter 11, part 1, to cooperatively share the employment of a teacher or

1 specialist, the joint board of trustees or the boards of trustees of two or more school districts, pursuant to an  
2 interlocal agreement, may execute a contract of employment with a teacher or specialist who shall serve the  
3 districts. When a contract is executed, the districts shall prorate the compensation provided by the contract on  
4 the basis of the total number of instructional hours expended by the teacher or specialist within each district.

5 (4) Any contract executed under the provisions of this section may contain the oath or affirmation  
6 prescribed in 20-4-104, and the teacher or specialist shall subscribe to the oath or affirmation before an officer  
7 authorized by law to administer oaths."

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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11 NEW SECTION. **Section 3. Applicability.** [This act] applies to contracts entered into or renewed on  
12 or after [the effective date of this act].

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